

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE TOWN OF QUARTZSITE

THIS AGREEMENT is entered into 16 June, 2003, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-952, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF QUARTZSITE, acting by and through its MAYOR and TOWN COUNCIL (the "Town")

**I. RECITALS**

1 The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State

2 The Town is empowered by Arizona Revised Statutes Section 9-240 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town

3 The State and the Town of Quartzsite desire to participate in the re-design of an open walled channel to a dual piped channel system, herein referred to as the "Project" The dual piped system will provide for drainage of off-site water, improve the aesthetic qualities, and provide flexibility for future development along SR 95, for the safety and benefit of the public. The purpose of this agreement is to define each party's responsibility associated with a the Project

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO. 26078  
Filed with the Secretary of State  
Date Filed: 06/16/03

Genie K. Brewer  
Secretary of State

By: Darryl J. Greenwald

## **II. SCOPE OF WORK**

### **1. The State will:**

a. Prepare to State standards design plans, specifications and other such documents and services required for the bidding and construction of the Project. Design and construct a dual piped system that will provide drainage for the off-site water and flexibility for future development along SR 95 B-10 Junction north 1.9 miles to Tyson Drive all at the States expense.

b. The State will coordinate with the Town in the maintenance and inspection of the project every 6 months, and additionally after a major storm event. Make arrangements and provide the necessary equipment for the Town of Quartzite, should the Town not have available

### **2. The Town will:**

a. The Town of Quartzite will develop and enforce floodplain regulations and ordinances through the adoption of a Floodplain Erosion and Drainage Ordinance, designed to promote the public health, safety and general welfare of it's citizens, authorized by the Management Board through the Town Council, said ordinance shall be completed within 30 days of completion of Project.

b. The Town will regulate encroachment and building development within areas of flooding and insure compliance by the terms of the Towns Floodplan Erosion and Drainage Ordinance and other applicable regulations.

c. The Town will participate in the maintenance and inspection of the project every 6 months and additionally after a major storm event

## **III. MISCELLANEOUS PROVISIONS**

1. This agreement shall remain in force and until completion of the work contemplated herein; which shall be perpetual,

2. This agreement shall become effective upon filing with the Secretary of State

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Town of Quartzsite  
Town Manager  
465 North Plymouth Avenue  
P.O. Box 2812  
Quartzsite, Arizona 85346


7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**TOWN OF QUARTZSITE**

By   
DAN FIELD  
Town Manager

**STATE OF ARIZONA  
DEPARTMENT OF TRANSPORTATION**

By   
SUSAN TELLEZ  
Contract Administrator

**ATTEST**

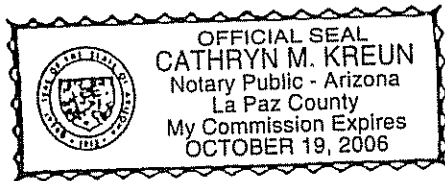
By   
KAY KREUN  
Town Clerk

Copy Certification

State of Arizona

County of La Paz

On this 21 day of May 2003, I certify that the preceding  
(or attached) document is a true, exact, complete and unaltered photocopy made  
by Cathryn M Kreun of Quartzsite Council Minutes of 4/22/03



Cathryn M Kreun  
Notary Public

My commission expires 10-19-06

Residing at Quartzsite, Ariz

# MINUTES

## TOWN OF QUARTZSITE REGULAR MEETING OF THE COMMON COUNCIL TUESDAY, APRIL 22, 2003 7:00 PM

CALL TO ORDER: Mayor Michel 7:00 p.m.

INVOCATION: Pastor Hirst.

PLEDGE OF ALLEGIANCE: All in attendance.

ROLL CALL: Mayor Michel, Council Members Akin, Burris, Loyet, Medina and York.

ABSENT: Vice Mayor Busby

STAFF PRESENT: Town Attorney/Town Manager Field and Town Clerk Kreun.

COMMUNICATIONS/PETITIONS & CITIZEN COMMENTS: (call to the public)

### REPORTS & ANNOUNCEMENTS:

1. Municipal Clerks Week April 27 -- May 3, 2003 Proclamation -- Mayor Michel.
2. Volunteer Week April 27 -- May 3, 2003 Proclamation -- Mayor Michel.
3. Mental Health Month Proclamation -- Mayor Michel.

### CONSENT AGENDA:

1. Accounts Payable (Check Series: 13268 -- 13362/Total = \$93,658.96).
2. Approval of Minutes of Regular Meeting of April 8, 2003.
3. Approval of ratification of agreement with Jean Winter for right-of-way and acceptance of 40' portion of Joshua Ave.

Council Member Loyet motioned to approve the consent agenda in the amount of \$93,658.96 and approve the minutes of Regular Meeting of April 8, 2003 and approval of ratification of agreement with Jean Winter for right-of-way and acceptance of 40' portion of Joshua Ave. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote -- 6 in favor, 1 member absent. MOTION CARRIED.

### NEW BUSINESS:

042203 - 1. Public hearing and discussion regarding the Town of Quartzsite General Plan.

Council Member Akin motioned to continue the public hearing and discussion regarding the Town of Quartzsite General Plan. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote -- 6 in favor, 1 member absent. MOTION CARRIED.

042203 - 2. Discussion and possible action regarding appointment of new member to the Municipal Property Corporation (MPC).

Mayor Michel nominates Loretta Jarrett as a member of the Municipal Property Corporation. Nomination seconded by Council Member Loyet. Mayor Michel calls for the vote. Vote -- 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 3. Discussion and possible action regarding proposed development of skate trail in the town park by the Quartzsite Woman's Club.

Council Member Akin motioned to accept the proposal from the Quartzsite Woman's Club to develop a skate trail in the town park. Motion seconded by Council Member Burris. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 4. Discussion and possible action to reappoint Mary Ann Peck, Dona Dole and Judy Nacheff to the Library Board with all three terms expiring April 2006.

Council Member Loyet motioned to reappoint Mary Ann Peck, Dona Dole and Judy Nacheff to the Library Board with all three terms expiring April 2006. Motion seconded by Council Member Burris/York. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 5. Discussion and possible action to remove Council Members from all boards and committees and appoint new members to those boards and committees.

Mayor Michel motioned to accept this item as written with the addition that all members of the Council will remain on the board until they are replaced whether their term is up or not. Motion seconded by Council Member Burris/York. Mayor Michel amends his motion stating once a member is relieved from a committee or board they can remain as liaisons to the Council without voice or without voting privileges. Amendment seconded by Council Member York. Mayor Michel calls for the vote on the amendment. Vote – 6 in favor, 1 member absent. MOTION CARRIED. Mayor Michel calls for the vote on the original motion. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 6. Discussion and possible action to request a grant for \$4,850 from Arizona Community Foundation for media support and equipment.

Council Member Loyet motioned to approve the library to request a grant of \$4,850 from the Arizona Community Foundation for media support and equipment. Motion seconded by Council Member Akin. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 7. Discussion and possible approval of Resolution No. 03-06 – Reauthorization of the Federal Transportation Act.

Council Member York motioned to approve Resolution No. 03-06 – Reauthorization of the Federal Transportation Act. Motion seconded by Council Member Loyet. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 8. Discussion and possible approval of agreement with the State of Arizona for maintenance and inspection of storm drains jointly with A.D.O.T.

Council Member York motioned to approve the agreement with the State of Arizona for maintenance and inspection of storm drains jointly with A.D.O.T. Motion seconded by

Council Member Loyet. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 9. Discussion and possible approval of Resolution No. 03-07 - Project Technical Assistance Grant.

Council Member Loyet motioned to approve Resolution No. 03-07, project technical assistance grant. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 10. Discussion and possible approval of Resolution No. 03-08 – Personnel Policy Update Drug-Free Workplace Policy.

Council Member York motioned to approved Resolution No. 03-08, Personnel Policy Update Drug-Free Workplace Policy. Motion seconded by Council Member Akin. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

OLD BUSINESS:

042203 – 1OB. Final reading and approval of Ordinance No. 03-02 – 2002 Amendments to the Tax Code of the Town of Quartzsite.

Council Member Akin motioned to approve Ordinance No. 03-02, 2002 Amendments to the Tax Code of the Town of Quartzsite. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote – 6 in favor, 1 member absent. MOTION CARRIED.

042203 – 2OB. Discussion and possible action regarding approval of conditional use permit 03-001 as recommended by the Planning & Zoning Commission.

Council Member York motioned to approve the conditional use permit 03-001 as recommended by the Planning & Zoning Commission. Motion seconded by Council Member Loyet. Mayor Michel calls for the vote. Vote – 2 in favor (Mayor Michel & Council Member York), 4 opposed, 1 member absent. MOTION DEFEATED.

ADJOURNMENT:

Council Member Medina motioned to adjourn the meeting. Motion seconded by Council Member York. Mayor Michel calls for the vote. Vote – 5 in favor, 1 opposed (Council Member Medina), 1 member absent. MOTION CARRIED. 7:55 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of Quartzsite, Arizona, held on the 22<sup>nd</sup> day of April 2003.

I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 13<sup>th</sup> day of May, 2003.

  
Kay Kreun, Town Clerk

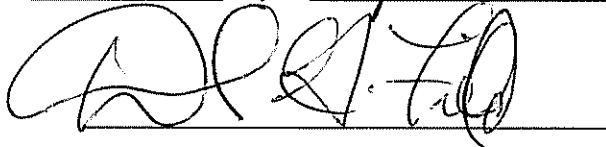
APPROVED:

  
Verlyn Michel, Mayor

APPROVAL OF THE TOWN OF QUARTZSITE ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF QUARTZSITE declare this agreement to in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 25 day of April, 2003.

A handwritten signature in black ink, appearing to be "D. R. F.", is written over a horizontal line.

Attorney





OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE 602.542.8855


**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR02-2266TRN (JPA 02-91)), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED June 3, 2003.

TERRY GODDARD  
Attorney General

  
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SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

/ss

att.